



→ Thomas R. Proctor

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Thomas Proctor is a special counsel in the Business Trial Practice Group in the firm's San Diego office.

Areas of Practice

Thomas Proctor specializes in representing insurance companies in bad faith litigation. He has represented his insurance clients in a vast array of first and third-party bad faith lawsuits, including large first-party property losses; "cap off" lawsuits; complex coverage litigation involving environmental, progressive loss, and other long-tail liabilities; and class actions. In addition, while Thomas' practice is focused primarily in California, he has also represented insurers in "institutional bad faith" litigation across the country. Thomas' clients include Allstate, State Farm, Travelers, Infinity, Allianz, and the Automobile Club of Southern California.

Honors

San Diego Rising Star, *Super Lawyers*, 2016

Experience

Representative Matters

- After 4-week jury trial, won full defense verdict in favor of insurance company accused of bad faith failure to settle a \$23 million liability claim against its policyholder. Policyholder had sought \$23 million in economic loss, \$23 million in emotional distress damages, and \$180 million in punitive damages.
- Represented insurer in jury trial and obtained a defense verdict in a case alleging breach of contract and bad faith.
- Obtained summary judgment in failure to settle case, in which the claimant sought payment of a \$30 million excess judgment (inclusive of interest) after the insurer allegedly failed to settle a catastrophic injury claim for the \$15,000 policy limits. Affirmed on appeal. *Dorroh v. Deerbrook*, 223 F.Supp.3d 1081 (E.D. Cal. 2016), *affirmed in Dorroh v. Deerbrook*, 751 Fed. Appx. 980 (9th Cir. 2018).
- Obtained summary judgment in failure to settle case, in which the claimant sought payment of a nearly \$40 million excess judgment (inclusive of interest), arising out of the insurer's alleged failure to accept a settlement demand for its \$25,000 policy limits.
- Obtained summary judgment in failure to settle case where the claimant obtained a \$5 million judgment after the insurer allegedly failed to accept a settlement offer for its \$100,000 policy limits.

- Won motion dismissing breach of contract and bad faith claims against insurer in claim arising from purchase of \$20 million in counterfeit wine. Affirmed on appeal. *Doyle v. Fierman's Fund*, 21 Cal. App. 5th 33 (2018).
- Represented insurer in coverage litigation arising out of the concussion lawsuits filed by thousands of former football players against the NFL and its official helmet manufacturer, Riddell.
- Represented liability insurer against claims that it had improperly denied coverage for property damage that allegedly arose out of a progressive loss occurring over a period of 30 years.
- *Wildfire Litigation*: Represented insurers in numerous cases arising out of the 2003 and 2007 southern California wildfires, primarily involving claims for underinsurance.
- *Institutional Bad Faith Litigation*: Represented a national insurer in cases throughout the country alleging that the insurer had an institutionalized practice of low-balling claims.

Articles

- Contributing Editor, Rutter Group Insurance Litigation Practice Guide

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What to Know About Uninsured Motorist Lawsuits

August 10, 2011

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California Supreme Court to Decide Whether Insurance Is Subject to CLRA

January 17, 2008

Insurance Law Blog Posts

- [Cumis Counsel" rel="noopener" href="https://www.insurancelawblog.com/2019/10/articles/liability-insurance/anti-slapp-statute/">Anti-Slapp Statute Does Not Apply To Allegations That Insurer Improperly Refused To Provide *Cumis* Counsel,](https://www.insurancelawblog.com/2019/10/articles/liability-insurance/anti-slapp-statute/) October 28, 2019
- "Professional Liability Policy Did Not Provide Coverage for Lawsuit that the Insured Knew or Should Have Known About," January 10, 2018

Events

Western Region General Counsel Conference

Las Vegas, Nevada, July 13-15, 2022

Memberships

San Diego County Bar Association

J. Reuben Clark Law Society

American Inns of Court - J. Clifford Wallace Chapter

Association of Business Trial Lawyers, San Diego Chapter

Practices

Litigation

Insurance Litigation

Industries

Insurance

Education

J.D., Brigham Young University, 2006, Note and Comment Editor, *BYU Law Review*, *cum laude*

B.A., Brigham Young University, 2003

Admissions

California

Languages

Estonian